

effect as an EPA approved revision to the implementation plan. In addition, this same procedure shall apply to any State permit applied for that would authorize a relaxation in the sulfur-in-coal limitation at any such facility, as defined above in this paragraph, having already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

§ 52.1602 Control strategy and regulations: PM_{2.5}.

(a) Approval—On May 18, 2006, New Jersey submitted an early PM_{2.5} implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct PM_{2.5} and 61,676 tons per year of NO_x; Delaware Valley Regional Planning Commission: 89 tons per year of direct PM_{2.5} and 4,328 tons per year of NO_x.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its early PM_{2.5} implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct PM_{2.5} and 5,056 tons per year of NO_x.

(c) Determination of Attainment. EPA has determined, as of December 15, 2010, that the New York-Northern New Jersey-Long Island, NY-NJ-CT fine particle (PM_{2.5}) nonattainment area has attained the 1997 PM_{2.5} National Ambient Air Quality Standard.

This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM_{2.5} NAAQS.

(d) Determination of Attainment. EPA has determined, as of *May 16, 2012*, that the Philadelphia-Wilmington, PA-NJ-DE fine particle (PM_{2.5}) nonattainment area has attained the 1997 PM_{2.5} National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM_{2.5} NAAQS.

[73 FR 24870, June 5, 2008, as amended at 75 FR 69591, Nov. 15, 2010; 77 FR 28785, May 16, 2012]

§ 52.1603 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.1604 Control strategy and regulations: Total suspended particulates.

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27–6.1 *et seq.*; *Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section